

23.03.2022
Item No.35
Ct. No.7
CHC
(disposed of)

**C.O.388 of 2022
(Physical Hearing)**

**Malay Pal
Vs.
Jayanta Paul & ors.**

Mr. Srikanta Dutta,
Mrs. Rituparna Sarkar,
Mr. Jayanta Kr. Dhar
...for the petitioner

A direction to secure expeditious disposal of an Execution Case instituted in the year 2009, is the ultimate prayer in this revisional application.

Upon advertng to the order dated 30th January, 2017, passed in C.O. No.2281 of 2016, learned advocate for the petitioner strenuously argues that even after direction, passed by this Court in the referred revisional case, the learned Executing Court below has proceeded to grant adjournments on the prayer of the judgement-debtor causing serious procrastination to the disposal of the pending Execution Case.

The final decree to the partition suit was made in April, 2009. The application under Section 47 of the

Code of Civil Procedure filed at the instance of JDR is pending since 2010.

Attention of the Court is drawn to the certified copies of the order passed in pending Execution Case mentioned hereinabove.

In view of the nature of the order proposed to be made, and bearing in mind the long pendency of the Execution Case, service of notice of this application upon the opposite parties is considered to be not necessary. Accordingly, service is thus dispensed with.

When there is already direction, passed in C.O. No.2281 of 2016, requiring the Executing Court below to ensure expeditious disposal of pending Execution Case, no further direction is thus called for. However, this Court reposes trust and confidence upon the Executing Court below that there will be a sincere endeavour put by the learned court below to dispose of the pending Title Execution Case No.16 of 2009, pending before the learned Civil Judge (Senior Division), 1st Court at Alipore, expeditiously as possible, preferably within a period of six (06) months from the date of communication of this order having understood the true purport of the message already conveyed in C.O.2281 of 2016, after causing disposal of application under Section 47 C.P.C.

With this direction/observation, the instant revisional application stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)